

Federal Defenders OF NEW YORK, INC.

Southern District
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June 29, 2023

By ECF and Email

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 7/5/23

Re: United States v. Pedro Davila
19 Cr. 706 (ALC)

Dear Judge Carter:

I write with the consent of the government to respectfully request an adjournment of approximately 90 days of Mr. Davila's sentencing hearing, currently scheduled for July 18, 2023. Mr. Davila was seriously injured while playing basketball on June 21, 2023. He jumped, landed on a crack in the concrete floor, and heard two loud pops in his right foot. He was unable to get off the floor and requested immediate medical assistance. Mr. Davila's foot was x-rayed and it was determined that a bone in his heel had been fractured and had snapped out of place. Mr. Davila met with one of the BOP doctors as well as the head of the medical services. He was placed on a waitlist for surgery (to have the bone shaved off), but was told that the wait is at least three months.

I met with Mr. Davila today at the MDC and he appeared to be in significant pain. He is using crutches and having great difficulty ambulating. He is unable to climb onto his bunk and is sleeping on a mattress on the floor. He cannot shower or get dressed alone. He is also unable to engage in any recreational activities, which he finds vital to his mental health and functioning.

Mr. Davila seeks an adjournment because he would like to have surgery before he is designated and moved out of the MDC. Given the unreliable nature of adequate medical treatment in BOP facilities, Mr. Davila is concerned that if he is

moved to a different facility before having surgery he will not receive the treatment he needs.

Thank you for your consideration of this request.

Respectfully submitted,



Tamara L. Giwa
Counsel for Pedro Davila
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Cc: AUSA Alexander Li (via ECF)
AUSA Christopher Clore (via ECF)

The application is **GRANTED**. The sentencing is adjourned to October 19, 2023 at 2:00 p.m.
So Ordered.



7/5/23